

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

VMWARE LLC,

Plaintiff,

v.

SIEMENS AG, SIEMENS CORPORATION,
SIEMENS INDUSTRY SOFTWARE, INC.,
SIEMENS MEDICAL SOLUTIONS USA,
INC., SIEMENS HEALTHCARE
DIAGNOSTICS, INC., SIEMENS
MOBILITY, INC., and PETNET
SOLUTIONS, INC.,

Defendants.

CIVIL ACTION No. 25-353 (RGA)


REDACTED - PUBLIC VERSION

**DECLARATION OF JAMES JOHN LOMELO IN SUPPORT OF DEFENDANTS'
OPENING BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS
PURSUANT TO THE DOCTRINE OF *FORUM NON CONVENIENS***

I, James John Lomeo, declare as follows:

1. I am an attorney at the law firm of Kirkland & Ellis, LLP, and I am counsel of record in this action for Defendants. I am a member of the Bars of the State of Texas and the District of Columbia. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. I submit this declaration in support of Siemens AG's Opening Brief in Support of their Motion to Dismiss Pursuant to the Doctrine of *Forum Non Conveniens*.

3. Attached as **Exhibit 1** is a true and correct copy of the Master Software License and Services Agreement between Siemens AG and VMware, dated November 28, 2012.

4. Attached as **Exhibit 2** is a true and correct copy of the Enterprise License Agreement Order Form between Siemens AG and VMware, dated September 29, 2021.

5. Attached as **Exhibit 3** is a true and correct copy of the Amended Master Software License and Services Agreement between Siemens AG and VMware, dated September 29, 2021.

6. Attached as **Exhibit 4** is a true and correct copy of a letter from Dr. Julian A. Sanner to Dr. Matthias Werner and Dr. Felizitas Casper, dated October 8, 2024.

7. Attached as **Exhibit 5** is a true and correct copy of a compilation of the Asserted VMware Copyrights retrieved from the United States Copyright Office website.

8. Attached as **Exhibit 6** is a true and correct copy of an invoice for software licenses and support services from VMware International Unlimited Company to Siemens AG, dated December 17, 2024.

9. Attached as **Exhibit 7** is a true and correct copy of *Purohit v. Legend Pictures, LLC*, No. 18-1907-RGA, D.I. 33 (D. Del. Nov. 14, 2019).

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

EXECUTED this 10th day of June, 2025 in Austin, Texas.

/s/ James John Lomeo
James John Lomeo

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on June 10, 2025, upon the following in the manner indicated:

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/s/ Karen Jacobs

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